

REMARKS

Claims 1-17, 19-20 and 23-35 are pending. Claims 1-4, 7-8, 10-17, 23 and 34 are amended. Claims 18 and 21-22 are canceled. Claim 35 is new.

Claim Amendments

The claims have been amended to improve clarity and readability.

Claim 1 has been amended to include the subject matter of previous claims 18, 21 and 22. This subject matter is also supported by paragraphs [0147] and [0148] of the publication of the originally filed specification (US 2007/0084735 A1). The previous recitation of “creating four successive surface to surface type tightness peripheral zones forming four successive tightness barriers between the open end of the tubular casing and the cap-lid” has been eliminated from claim 1.

Claims 12, 13 and 17 have been amended to eliminate the term “peripheral” to overcome an objection to this term by the Examiner.

Claim 23 has been amended to depend from claim 1.

Claim 34 has been rewritten in independent form to generally expressly recite the subject matter of amended claim 1.

New claim 35 recites the subject matter eliminated from amended claim 1.

No new matter has been added to the claims.

Claim Objections

Claims 12, 13, 17 and 18 stand objected to for reciting the term “peripheral.” Applicant respectfully requests reconsideration and withdrawal of the objection. Claims 12, 13 and 17 have been amended to eliminate the term in question. Claim 18 has been canceled.

Claim 34 stands objected to for failing to further limit the subject matter of base claim 1. Applicant respectfully requests reconsideration and withdrawal of the objection, as claim 34 has been rewritten in independent form to expressly recite subject matter of claim 1.

Claim Rejections – 35 U.S.C. §102

Claims 1-12, 15, 17, 19, 20 and 27-31 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hekal (EP 0824480). Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 1 has been amended to recite that the mechanical hinge is formed by a male part incorporated in the tubular housing and a female part incorporated in the cap-lid, wherein the male part comprises two bracket plates connected to each other by a rotation axis, and wherein the outer wall of the peripheral groove is rendered discontinuous by notches formed to house the bracket plates. These claim features were presented in previous dependent claims 18, 21 and 22 (now canceled). The inventors of the subject application found that, contrary to prior belief, providing the claimed notches does not introduce a loss of the increased tightness of the container. (See paragraph [0184] of the published application.) Hekal does not teach or suggest these features. Therefore, claim 1 is allowable over Hekal.

The Examiner asserts that the subject matter now recited in claim 1 is obvious under 35 U.S.C. §103(a) based on the combined teachings of Hekal and Pehr (WO 89/08057). In rejecting previous claims 18, 21 and 22, the Examiner asserts that Pehr teaches a lid with an outer peripheral wall that is rendered discontinuous by notches. Applicant respectfully disagrees. Pehr fails to teach or suggest a notch in the outer wall (above reference numeral 58 in FIG. 13) of the lid shown in FIGS. 10-15. Thus, unlike the claimed outer wall, the outer wall of Pehr is continuous. Contrary to the Examiner's assertion, the combination of Pehr and Hekal would lead one of ordinary skill in the art to *not* provide notches in the outer wall, in order to keep fluid tightness at a high level. Therefore, claim 1 is allowable over Hekal and Pehr.

Claims 2-12, 15, 17, 19, 20 and 27-31 depend from claim 1, and therefore are allowable.

Claim Rejections – 35 U.S.C. §103

Claims 13, 14 and 16

Claims 13, 14 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hekal. Reconsideration and withdrawal of the rejection are respectfully requested.

Hekal fails to teach or suggest all of the features of claim 1 for the reasons provided above. As stated above, the combination of Hekal and Pehr, as applied to previous claims 18, 21 and 22, also fails to teach or suggest all of the features of claim 1. Claims 13, 14 and 16 depend from claim 1, and therefore allowable at least because they depend from claim 1.

Claims 18 and 21-26

Claims 18 and 21-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hekal in view of Pehr (WO 89/08057). Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 18 and 21-22 have been canceled, thereby rendering moot the rejection of these claims. As stated above, claim 1 now includes the subject matter of claims 18 and 21-22. Applicant respectfully submits that Hekal and Pehr do render claim 1 obvious for the reasons provided above. Claims 23-26 depend from claim 1, and therefore are also allowable.

Claims 32 and 33

Claims 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hekal in view of Taskis et al. (U.S. Patent No. 5,947,274). Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 32 and 33 depend from claim 1. Hekal and the combination of Hekal and Pehr fail to teach or suggest the invention of claim 1 for the reasons provided above. Taskis et al. fail to teach or suggest the features of claim 1 that are missing in the Hekal and Pehr references. Therefore, claims 32 and 33 are allowable.

Claim 34

Claim 34 was not rejected based on prior art. Applicant submits that claim 34 is

allowable for the same reasons that claim 1 is allowable.

New Claim

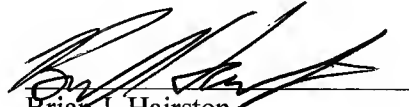
New claim 35 depends from claim 1. Claim 1 is allowable over the prior art of record for the reasons stated above. Therefore, claim 35 is allowable.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully asserts that the rejections as set forth in the Office Action April 24, 2008 have been addressed and overcome. Applicant further respectfully asserts that all claims are in condition for allowance and requests that a Notice of Allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (703) 394-2243 is courteously solicited.

The Commissioner is hereby authorized to charge any required fees or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted,


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